

REMARKS

This Response is submitted in reply to the Final Office Action dated December 22, 2009 in conjunction with the enclosed Request for Continued Examination. Claims 19 to 36 are hereby canceled without prejudice or disclaimer. Claims 37 to 48 have been added. No new matter has been added by such amendments. A Supplemental Information Disclosure Statement is submitted with this Response. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Response.

Page 2 of the Office Action stated “the Japanese Office Action issued June 30, 2009 for corresponding Japanese Patent Application JP 2003-365047, has not been considered.” Applicant notes that this Japanese Office Action was cited because it corresponds to the present application and further references cited therein were also cited in the present application. Also, it is our understanding that the following non-patent literature documents have not been considered: (a) Photoshop 6.0 Technical bible, Softbank Publishing Inc., 1st edition, 25 January, 2001, pp. 67-68; (b) Totte Karaga Shobu!” no Digital Camera Katsuyo technique,” Nikkei Zero-One, NIKKEI HOME PUBLISHING, INC., No. 52, 01 September, 2000, pp. 44-57; and (c) “Digital Camera Gazo o Online Print,” Nikkei Personal Computing, Nikkei Business Publications, Inc., No. 409, 13 May, 2002, pp. 98-105. These references were cited in an Information Disclosure Statement submitted on April 21, 2006. After further review, we feel that these references should be considered. For example, these references were cited in the PCT search report dated December 28, 2004 which was submitted on April 21, 2006 in the present application. This would seem to meet the minimum requirements of 37 CFR 1.98(a)(3) based on the relevant portions cited by the PCT search report. Accordingly, Applicant respectfully requests that these references be considered.

The Office Action rejected Claims 31 to 36 under 35 U.S.C. § 101 and stated such claims are directed to non-statutory subject matter. The Office Action rejected Claims 20, 26 and 32 under 35 U.S.C. § 112 and stated such claims are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action rejected Claims 19 to 36 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication No. 2001/0053247 to Sowinski et al. (“Sowinski”). Applicant submits that the cancellation of Claims 19 to 36 render these rejections moot. To expedite prosecution, Applicant has added new Claims 37 to 48 to better define the invention. Applicant submits these new claims are patentably distinguished over Sowinski and in condition for allowance.

Sowinski discloses a plurality of picture appearance choices from a color photographic recording material intended for scanning. The Abstract of Sowinski discloses:

A system and method of offering photofinishing services involves receiving an exposed photographic film from a customer; developing and scanning the film to produce a digital image; displaying examples of a plurality of looks on a color display medium to a customer; receiving a selection of a preferred look from the customer; and applying the selected look to the digital image to produce a processed digital image having the preferred look.

Paragraph [0124] of Sowinski discloses:

In the system as illustrated in FIG. 8, when a customer opens up an interactive session via, for example, his/her home computer, and connects with the photofinishing service provider via, for example, the World Wide Web, the photofinishing service provider can offer various looks to the customer at the interactive screen and record the customer's selection. During the interactive session, the photofinishing service provider can also return previously chosen looks to the customer at the screen and tie a unique film identification (ID) to the customer's preferred look based on the interactive screen. Thereafter, the photofinishing service provider can provide digital processing derived by, for example, scanning and/or digitization of exposed and photographically developed film according to the preferred look at the interactive screen.

Applicant submits that the print-ordering system of Sowinski does not disclose "at least one memory device storing a plurality of instructions which when executed by the at least one processor, cause the at least one processor to operate with the user terminal, the server and the print system to: (a) enable a user to select one of: (i) a predetermined sample image stored in the image database; or (ii) an image stored in the user terminal; (b) in response to the predetermined sample image being selected: (i) cause the server to generate a plurality of first image-processing-mode-selection images based on said predetermined sample image, each of said first image-processing-mode-selection images being subjected to different image processes; (ii) cause the display device to display each of said generated first image-processing-mode-selection images; (iii) enable the user to select one of the displayed first image-processing-mode-selection images; (iv) in response to one of the displayed image-processing-mode-selection images being selected, cause the server to store a first image processing mode based on said selected first image-processing-mode-selection image; and (v) cause the printer system to execute print processing based on the first image processing mode stored by said server; (c) in response to the image stored in the user terminal being selected: (i) transmit the image stored in the user terminal

to the server; (ii) cause the server to generate a plurality of second image-processing-mode-selection images based on said transmitted image, each of said second image-processing-mode-selection images being subjected to different image processes; (iii) cause the display device to display each of said generated second image-processing-mode-selection images; (iv) enable the user to select one of the displayed second image-processing-mode-selection images; (v) in response to one of the displayed second image-processing-mode-selection images being selected, cause the server to store a second image processing mode based on said selection of the displayed second image-processing-mode-selection image; and (vi) cause the printer system to execute print processing based on the second image processing mode stored by said server.” On the other hand, the print-ordering system of new Claim 37 includes, among other elements, “at least one memory device storing a plurality of instructions which when executed by the at least one processor, cause the at least one processor to operate with the user terminal, the server and the print system to: (a) enable a user to select one of: (i) a predetermined sample image stored in the image database; or (ii) an image stored in the user terminal; (b) in response to the predetermined sample image being selected: (i) cause the server to generate a plurality of first image-processing-mode-selection images based on said predetermined sample image, each of said first image-processing-mode-selection images being subjected to different image processes; (ii) cause the display device to display each of said generated first image-processing-mode-selection images; (iii) enable the user to select one of the displayed first image-processing-mode-selection images; (iv) in response to one of the displayed first image-processing-mode-selection images being selected, cause the server to store a first image processing mode based on said selected first image-processing-mode-selection image; and (v) cause the printer system to execute print processing based on the first image processing mode stored by said server; (c) in response to the image stored in the user terminal being selected: (i) transmit the image stored in the user terminal to the server; (ii) cause the server to generate a plurality of second image-processing-mode-selection images based on said transmitted image, each of said second image-processing-mode-selection images being subjected to different image processes; (iii) cause the display device to display each of said generated second image-processing-mode-selection images; (iv) enable the user to select one of the displayed second image-processing-mode-selection images; (v) in response to one of the displayed second image-processing-mode-selection images being selected, cause the server to store a second image processing mode based

on said selection of the displayed second image-processing-mode-selection image; and (vi) cause the printer system to execute print processing based on the second image processing mode stored by said server.”

For at least these reasons, it is respectfully submitted that independent Claim 37 is patentably distinguished over Sowinski and in condition for allowance. Dependent Claims 38 to 40 depend directly from amended independent Claim 37 and are also allowable for the reasons given with respect to Claim 37 and because of the additional features recited in these claims.

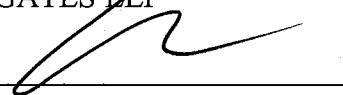
Independent Claims 41 and 45 each include certain similar elements to independent Claim 37. For reasons similar to those discussed above with respect to independent Claim 37, independent Claims 41 and 45 (and dependent Claims 42 to 44 and 46 to 48) are each patentably distinguished over Sowinski and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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